



ANNO TRICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1986

No. 38 of 1986

An Act to amend the Planning Act, 1982.

[Assented to 28 August 1986]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the “Planning Act Amendment Act, 1986”. Short title.

(2) The Planning Act, 1982, is in this Act referred to as “the principal Act”.

2. Section 3 of the principal Act is repealed.

Repeal of s. 3.

3. Section 5 of the principal Act is repealed.

Repeal of s. 5.

4. Section 20 of the principal Act is amended by striking out paragraph (d) of subsection (5).

Amendment of
s. 20—
The
Commissioners.

5. Section 55 of the principal Act is amended by striking out subsection (9).

Amendment of
s. 55—
Advertisements.

6. Section 56 of the principal Act is amended by striking out from subsection (3) “31 August, 1986” and substituting “31 May, 1987”.

Amendment of
s. 56—
Saving provision.

7. The principal Act is amended by inserting the following schedule after section 74:

Insertion of
schedule.

Schedule of Repealing and Transitional Provisions

1. The Planning and Development Act, 1966, is repealed.

2. Notwithstanding clause 1—

(a) the repeal effected by that clause does not affect any rights accrued under the repealed Act, or the validity of any decision or planning authorization made or granted under the repealed Act, or of a condition attached to any such decision or planning authorization;

- (b) an application, appeal, or other proceeding that was commenced in pursuance of the repealed Act, or the regulations under the repealed Act, but had not been finally determined at the commencement of this Act may be continued and completed as if this Act had not been enacted;
 - (c) a right of appeal existing under the repealed Act immediately before the commencement of this Act may be exercised after that commencement as if this Act had not been enacted;
 - (d) a condition attached to, or applying to or in relation to, a planning authorization granted under Part IV, V or VAA of the repealed Act shall, unless revoked by the Commission or a council by which it was imposed, remain in force and bind the owners and occupiers of the land to which the condition relates;
 - (e) a development plan or supplementary development plan in respect of which representations had been invited under the provisions of the repealed Act but which had not, at the commencement of this Act, become an authorized development plan shall be deemed to be a supplementary development plan in respect of which submissions have been invited under this Act, but persons by whom representations are made (whether before or after the commencement of this Act) in relation to the plan are not entitled to the rights conferred by section 41 (9);
 - (f) a recommendation for the making of planning regulations in respect of which notice had been given under the repealed Act not more than 18 months before the commencement of this Act (being a recommendation that had not been implemented before the commencement of this Act) shall be deemed to be a supplementary development plan in respect of which submissions have been invited under this Act;
 - (g) a proclamation made under section 61 of the repealed Act or under section 29 of the Town Planning Act, 1929, and in force immediately before the commencement of this Act, shall, subject to revocation under this Act, have the force and effect of a proclamation under section 62;
 - (h) a regulation in force under section 36 (4) (d) of the repealed Act immediately before the commencement of this Act shall, subject to this Act, have effect as a regulation under section 65;
- and
- (i) a scheme in force under section 63a of the repealed Act immediately before the commencement of this Act shall, subject to this Act, have effect as a scheme under section 63.

3. The powers, functions, duties and obligations formerly vested in the State Planning Authority in relation to matters referred to in clause 2, or under any other Act or law, shall be exercisable by, or shall attach to, the South Australian Planning Commission.

4. A person who was, immediately before the commencement of this Act, a full time commissioner under the repealed Act shall, subject to this Act, continue in office on terms and conditions no less favourable than those on which that person held office under the repealed Act.

5. A reference in any Act, regulation, rule or by-law to the Metropolitan Planning Area as constituted under the repealed Act shall be read and construed as a reference to Metropolitan Adelaide as defined in the Development Plan.

6. Notwithstanding the retrospective operation of the Planning Act Amendment Act, 1982—

(a) nothing in that amending Act invalidates anything done under this Act before 9 December, 1982;

and

(b) any declaration made, or purportedly made, under section 43 of this Act before 9 December, 1982, shall be regarded as having been validly made but, if the Development Plan is amended under section 42 (2) (a) in order to reflect the provisions of the plan to which the declaration relates, the declaration shall cease to operate on the making of the amendment.

7. The Control of Advertisements Act, 1916, is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor